

NEW MEXICO ENVIRONMENT DEPARTMENT (NMED)
POLICY FOR REGULATING ON-SITE LIQUID WASTE
DISCHARGES TO A SINGLE LOT
September, 2004

Purpose: This policy provides direction to NMED staff on how to consistently regulate existing and future on-site liquid waste discharges to a single lot.

Regulatory Authority: The following excerpts from the New Mexico Liquid Waste Disposal Regulations (20.7.3 NMAC) and the New Mexico Water Quality Control Commission Regulations (20.6.2 NMAC) provide the basis for regulatory decisions for on-site liquid waste discharges to a single lot.

1. Liquid Waste Disposal Regulations (20.7.3 NMAC) - Liquid Waste Permit requirements

- 20.7.3.2.A– Liquid Waste Regulations apply to “on-site liquid waste systems” that are designed to receive and do receive 2,000 gallons or less of liquid waste per day, and that do not generate discharges that require a Discharge Permit pursuant to 20.6.2.3104 NMAC or a National Pollutant Discharge Elimination System (NPDES) Permit.
- 20.7.3.7.AX– “On-site” means located on or within a “lot”.
- 20.7.3.7.AY– “On-site liquid waste system” means a liquid waste system, or part thereof, serving a dwelling, establishment or group, and using a liquid waste treatment unit designed to receive liquid waste followed by either a soil treatment or other type of disposal system.
- 20.7.3.7.AR– “Lot” means a unified parcel where liquid waste will be generated or disposed, excluding roadways and roadway easements, legally recorded or otherwise validated by other means. “Lot” includes any contiguous parcel subject to a legally recorded perpetual easement which dedicates the servient parcel for the disposal of liquid waste generated on the dominant parcel.
- 20.7.3.7.T – “Design flow” means the flow rate for which an on-site liquid waste system must be designed in order to assure acceptable system performance.
- 20.7.3.BY – “Wastewater” means blackwater and graywater.
- 20.7.3.7.BV – “Total design flow” means the sum of design flows for all on-site liquid waste systems and other wastewater discharges on a “lot”.
- 20.7.3.200.A(1) - No person shall install or have installed a new “on-site liquid waste system” or modify or have modified an existing “on-site liquid waste system”, unless that person obtains a permit issued by the Department prior to construction of such installation or modification.
- 20.7.3.400.A(1) – The “on-site liquid waste system” shall be designed to receive all “design flows” from the property.

2. Water Quality Control Commission Regulations (20.6.2 NMAC) – Ground Water Discharge Permit requirements

- 20.6.2.3104 – [N]o person shall cause or allow effluent or leachate to discharge so that it may move directly or indirectly into ground water unless he is discharging pursuant to a discharge permit issued by the secretary.
- 20.6.2.3105.B – Provides an exemption from the Ground Water Discharge Permit requirements for “Effluent which is discharged from a “sewerage system” used only for disposal of household and other domestic liquid waste which is designed to receive and which receives 2,000 gallons or less of liquid waste per day”.
- 20.6.2.7.QQ – “Sewerage system” means a system for disposing of wastes, either by surface or underground methods, and includes “sewer systems”, treatment works, disposal wells and other systems.
- 20.6.2.7.PP – “Sewer system” means pipelines, conduits, pumping stations, force mains, or other structures, devices, appurtenances or facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal.

Policy for New Facilities:

If the proposed facility has a total design flow that is less than 2,000 gpd to a single lot and does not otherwise require a Discharge Permit, a Liquid Waste Permit is required for the facility.

If the proposed facility has a total design flow that exceeds 2,000 gpd to a single lot, a Discharge Permit is required for the facility. Field Operations Division (FOD) staff notify the Ground Water Quality Bureau (GWQB).

Policy for Existing Facilities with a Total Design Flow of Less Than 2,000 gpd to a Single Lot:

If the existing facility has a total design flow that is less than 2,000 gpd to a single lot, FOD shall issue Liquid Waste Permit(s) up to a maximum total design flow of 2,000 gpd to a single lot. When the total design flow will exceed 2,000 gpd to a single lot, FOD shall deny a modification to the Liquid Waste Permit(s) and shall instead notify the GWQB.

Policy for Existing Facilities with a Total Design Flow that Exceeds 2,000 gpd to a Single Lot:

1. Existing facilities which have both a Discharge Permit and a Liquid Waste Permit:

FOD actions: No modification of the Liquid Waste Permit shall be authorized. Notify the GWQB.

GWQB actions: Upon renewal or modification of the Discharge Permit, the system previously permitted with a Liquid Waste Permit shall be incorporated into the

existing Discharge Permit as a component of the facility sewerage system.

2. Existing facilities which have only Liquid Waste Permits, including facilities on very large lots:

FOD actions: No modification of the Liquid Waste Permit shall be authorized. Notify the GWQB and refer facility owner to the GWQB.

GWQB actions: Upon referral by FOD, the GWQB shall require a Discharge Permit which includes all domestic waste discharges that comprise the facility sewerage system. Facilities will be required to obtain Discharge Permits in order of priority based on ground water vulnerability, system failures, and system modifications.

3. Existing facilities which have neither Liquid Waste Permits nor a Discharge Permit:

FOD actions: No Liquid Waste Permits shall be issued. Notify the GWQB and refer facility owner to the GWQB.

GWQB actions: Upon referral by FOD, the GWQB shall require a Discharge Permit which includes all domestic waste discharges that comprise the facility sewerage system.

4. Existing facilities which have both a Liquid Waste Permit(s), and a Discharge Permit covering a non-domestic waste discharge (e.g., agricultural, industrial, mining, etc).

FOD actions: No modification of the Liquid Waste Permit shall be authorized if the total design flow to the lot exceeds 2000 gpd. Notify the GWQB and refer facility owner to the GWQB.

GWQB actions: Upon referral by FOD, the system previously permitted with a Liquid Waste Permit shall be incorporated in the existing Discharge Permit as the facility sewerage system.

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